

APPLICATION SERIAL NO. 10/751,301

PATENT

REMARKS

As of the Office action dated May 31, 2007, claims 1-17 are pending, with claims 1-17 having been rejected. In this Reply, the rejection of claims 1-17 is traversed. Further examination and reconsideration respectfully are requested.

Status of the Drawings

The examiner's acceptance of the drawings as originally filed is acknowledged.

Status of Applicants' Information Disclosure Statement

The examiner's consideration of applicants' Information Disclosure Statement filed March 24, 2006 is acknowledged.

Applicants Traverse the Rejection of Claims 1-17 as Anticipated by LeBlanc

Claims 1-17 were rejected under 35 USC § 102(e) as being anticipated by US 2003/0189589, published in the name of LeBlanc et al. ("LeBlanc"). The rejection is traversed.

While vaguely stating that one of ordinary skill in the art would recognize a myriad of other applications and/or implementations of their invention, LeBlanc essentially discloses multi-media applications in an event venue, specifically a sporting arena; see Paragraph [0018]. The system consists of a number of video cameras that capture video from different angles of the field, and feed into a central control/distribution system such as a truck. At the distribution system, the different video feeds can be edited or stored for future replay, and can be distributed to tablet personal computers ("TPC"). The TPCs are connected to the network via wireless LAN (802.11). The spectator can on -demand either access live video feeds from different cameras (different angles), or access a replay, or even obtain a picture of one of the players. In addition, food items may be purchased via the TPCs, and ads may be displayed on the TPCs.

APPLICATION SERIAL NO. 10/751,301

PATENT

The independent claims in the present application are 1, 6 and 13. Claim 1 pertains to a method of transferring voice content from a mobile terminal to a recipient in near real time as the voice content is spoken, and comprises sending segments of the voice content at predetermined intervals **as files** over a wireless **IP-enabled network**. Claim 6 pertains to a method of recreating continuous audio content from segments thereof captured at predetermined intervals, and comprises sending the segments at predetermined intervals **as files** over an **IP network**. Claim 13 pertains to a method of placing voice content from a mobile terminal onto a network in near real time as the voice content is spoken, and comprises sending segments of the voice content at predetermined intervals **as files** over a wireless **IP-enabled network**. Common to all of these independent claims, hence all claims in the present application, are the limitations of "file" and the "IP" transport level.

Regarding the term "file," each of the independent claims provide that segments are sent as files. On a general level, the present invention has to do with protocol transfer technology. However, LeBlanc is concerned with system architecture, not protocol transfer technology. LeBlanc mentions protocol transfer technology only peripherally, in that the video transfers are done via standard video streams, either as a live stream directly to the TPCs or as a pre-recorded replay from the distribution center. In either case, it is a stream that goes out to the tablet. There is absolutely no disclosure that the video/audio is made into segments, which are then assembled into files that are sent over the Internet. While LeBlanc touches on streaming in Paragraphs [0025] – [0027], the patent does not disclose details, and certainly does not disclose or suggest that the streaming is anything but conventional streaming, which does not divide content into segments which are in turn assembled into files for sending over the Internet.

APPLICATION SERIAL NO. 10/751,301

PATENT

Regarding the IP transport level, it will be appreciated as explained on page 9, lines 19-24, that an IP network is not a perfect network for real time applications in the sense that the transit times between the transmitter and the receiver is not always exactly the same. Such a network would not be suitable for LeBlanc, which relies on high bandwidth live streaming at rates at the time of perhaps 54Mb/s, which today is as high as 100Mb/s with 802.11. The present invention, on the other hand, is suitable for cellular networks which have characteristic bandwidths in GPRS mode as low as 20Kbits/s.

In conclusion, LeBlanc contains no disclosure whatsoever of segment-containing files using the IP transport level. As these limitations are common to all of the independent claims in the application, all claims in the present application are neither anticipated by nor obvious over LeBlanc. All claims dependent from independent claims 1, 6 and 13 are allowable as well, since they include all of the limitations of the independent claims from which they depend and are patentable for the same reasons as set forth above. Moreover, while the dependent claims may recite additional limitations of independent patentable significance, discussion of their independent patentability is moot in view of the remarks made in connection with the independent claims.

Applicants note that the present application claims the benefit of a provisional patent application filed on November 8, 2002, which predates the filing date of LeBlanc. However, applicants observe that LeBlanc claims the benefit of a provisional application filed March 15, 2002, and is effective as prior art under 35 USC § 102(e) only if the disclosure relied upon in the published application is contained in the provisional patent application. While applicants have responded herein based on substantive distinctions between the claimed invention and the applied reference, this response shall not be deemed to be an admission of section 102(e) status of LeBlanc, and applicants reserve the right to question the section 102(e) status of LeBlanc in the future.

APPLICATION SERIAL NO. 10/751,301

PATENT

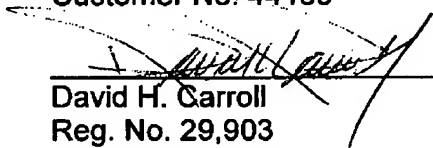
Conclusion

In view of the foregoing amendments, it is believed that the application is now in condition for allowance. Applicants respectfully request favorable reconsideration and the timely issuance of a Notice of Allowance.

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